IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL REVISION APPLICATION NO. 497 OF 2003.

Shri Baburao Govind Shelar..... .... Petitioner.

V/s

Sangram Ramchandra Jadhav & Ors..... ... Respondents.

Shri M. S. Prabhu for the petitioner.

CORAM: R.M.S. KHANDEPARKAR, J.

9-12-2004

PC:

Heard the learned advocate for the petitioner.

The petitioner challenges the order dated 14.2.2003 passed by the trial Court rejecting application for return of the plaint under Order VII Rule 11(a) of the Code of Civil Procedure. The contention of the petitioner is that the facts alleged in para 6 of the plaint relate to the incident of 12.10.2002 whereas suit has been filed on 15.7.2002. The impugned order itself discloses that there was typing mistake in para 12 of the plaint as regards the date of incident as instead of typing figures "7" it was typed as "10". The mistake having been clarified the trial Court has rejected the application. Considering the same the learned trial Judge has not committed any error of law or any illegality in exercise of jurisdiction in rejecting the application filed under Order VII Rule 11 of the Code of Civil Procedure. Hence the impugned order does not warrant any interference.

Petition is therefore rejected.